

**New Berlin Zoning Board of Appeals Minutes
March 15, 2018**

The meeting was called to order by Chairperson Marsha Sweet.

Attendance: Marsha Sweet, Vince King, Dave Kuehl, Artie Hatfield, Cindy Morris, Carrie Adams, Village Attorney Jason Brokaw and Village Clerk Debbie Lakamp

Audience: Mike Krall, Andy Surratt, Mark Bergschneider, Jason Stockton, Mark Adams, Kevin Sullivan, Doug Danenberger, and Sharon LaFauce

Cindy Morris was sworn-in as a new Zoning Board member.

Motion: To waive the reading of the Aug. 16, 2016 minutes.

Motioned by: Dave Kuehl

Seconded by: Carrie Adams

Motion carries

Chairperson Sweet stated the purpose of the meeting was to review requests and zoning ordinances. Discussion on a pre-annexation agreement with the owners of the Danenberger property in the Rita Sullivan Trust to be annexed by the Village of New Berlin once the property is contiguous to the village.

Motion: To recommend approval of Ordinance 18-07 for annexation of the Rita Sullivan Revocable Trust into the Village of New Berlin.

Motioned by: Carrie Adams

Seconded by: Vince King

Motion carries on a roll call vote.

Vince King- Yes

Cindy Morris- Yes

Dave Kuehl- Yes

Artie Hatfield- Not yet in attendance

Carrie Adams- Yes

Audience: Mike Clayton addressed the Board members regarding his concerns about the zoning process and proposed changes to it. His points were:

1. Increasing the fee for a zoning variance from \$100 to \$200 limits access to the government
2. Changing the zoning of mini-storage warehouses to industrial zoning versus current commercial zoning
3. Doesn't understand how one metal building differs from another in appearance especially when mini-storage offers a service to community residents
4. Requested an official zoning map for the Village
5. He owns a property with a chain link fence around it that he believed to be a commercial property when he purchased it and the zoning map on the wall at Village Hall indicates the property is residential
6. Sangamon County says the aforementioned property is zoned commercial

Vince King clarified if new, proposed zoning ordinance passed then it would mean existing mini-storage properties would not be able to expand if they were located in a commercial zone since the new proposal would restrict them to industrial zones.

Cindy Morris noted that correct zoning maps were needed so citizens had a clear understanding of the functions allowed on their property.

Motion: To recommend adoption of Ordinance 18-08 amending the Zoning Chapter of the Village of New Berlin Code of Ordinances in a manner that raises fees, establishes new forms and changes the zoning of mini-storage warehouses from commercial to industrial zoning.

Motioned by: Dave Kuehl

Seconded by: Artie Hatfield

Motion fails on a roll call vote.

Vince King- No

Cindy Morris- No

Dave Kuehl- Yes

Artie Hatfield- No

Carrie Adams- Abstain

Motion: To recommend the Village Board not adopt Ordinance 18-08 until such time as the zoning map is updated.

Motioned by: Carrie Adams

Seconded by: Cindy Morris

Motion carries on a roll call vote.

Vince King- Yes

Cindy Morris- Yes

Dave Kuehl- Yes

Artie Hatfield- Yes

Carrie Adams- Yes

Motion: To recommend approval of variance request for Lots 113, 114, 115, 116, 121 & 122 for duplexes with a 10 foot rear set back, 8 foot center side set back, and a 6 foot side street set back including a variance for coverage beyond 35% lot.

Motioned by: Dave Kuehl

Seconded by: Vince King

Motion carries on a roll call vote.

Vince King- Yes

Cindy Morris- Yes

Dave Kuehl- Yes

Artie Hatfield- Yes

Carrie Adams- Abstain

Motion: To adjourn

Motioned by: Dave Kuehl

Seconded by: Vince King

Motion carries

Respectfully submitted,



Debbie Lakamp

Village Clerk

**NOTICE OF PUBLIC HEARING
NEW BERLIN ZONING BOARD OF APPEALS**

The New Berlin Zoning Board of Appeals has scheduled a meeting for Thursday, March 15, 2018 at 7:00 p.m. at the New Berlin Village Office located at 301 E. Illinois St., New Berlin, IL to consider a zoning petition request from Mark W. Bergschneider and Jason O. Stockton as follows:

Petition to construct three Duplexes on Lots 113, 114, 115, 116, 121, 122, 123, 124 of the Original Town of New Berlin. Variances for a 10' rear setback, 14' front setback and 3' 6" side street setback.

ALSO:

The Zoning Board of Appeals will meet to consider an amendment to the Zoning Chapter of the New Berlin Code of Ordinances which would:

A. implement new procedures with respect to amendments to the Zoning Chapter, variances and special uses; and

B. provide that warehouses and mini-warehouses are a permitted use only in the I-Industrial Zone.

The Zoning Board of Appeals will make recommendations regarding the Variance request for setbacks and the proposed amendment to the Village Board for further action.

ALSO:

The Zoning Board of Appeals will meet to consider the zoning and zoning variances requested in an annexation agreement related to the following described land:

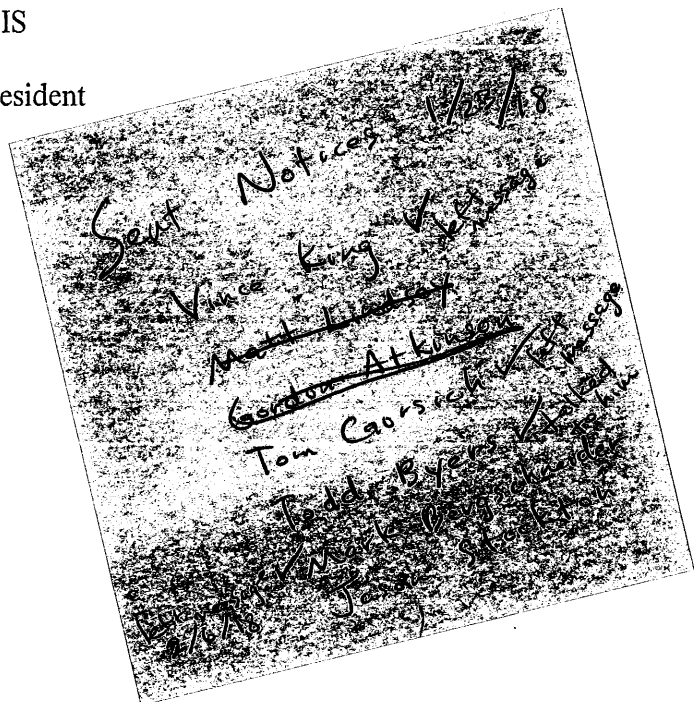
PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28 IN TOWNSHIP 15 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND SPIKE MARKING THE SOUTHEAST CORNER OF SAID SECTION 28, THENCE SOUTH 89 DEGREES 01 MINUTES 56 SECONDS WEST ON THE SOUTH LINE OF SAID SECTION 28 A DISTANCE OF 1,325.58 FEET TO A FOUND IRON PIPE MARKING THE SOUTHEAST CORNER OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28 AND THE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 01 MINUTES 56 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 365.50 FEET TO A FOUND IRON PIN, THENCE NORTH 00 DEGREES 58 MINUTES 29 SECONDS WEST A DISTANCE OF 444.99 FEET TO A

FOUND IRON PIN, THENCE SOUTH 89 DEGREES 02 MINUTES 18 SECONDS WEST A DISTANCE OF 270.00 FEET TO A FOUND IRON PIN, THENCE SOUTH 00 DEGREES 59 MINUTES 01 SECONDS EAST A DISTANCE OF 445.02 FEET TO A FOUND IRON PIPE ON THE SOUTH LINE OF SAID SECTION 28, THENCE SOUTH 89 DEGREES 01 MINUTES 56 SECONDS WEST A DISTANCE OF 27.43 FEET TO A SET IRON PIN MARKING THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28, THENCE NORTH 00 DEGREES 45 MINUTES 32 SECONDS WEST ON THE WEST LINE OF SAID EAST HALF A DISTANCE OF 2,637.27 FEET TO A SET IRON PIN, THENCE NORTH 89 DEGREES 01 MINUTES 23 SECONDS EAST ON THE NORTH LINE OF SAID EAST HALF A DISTANCE OF 662.53 FEET TO A FOUND IRON PIN MARKING THE NORTHEAST CORNER OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28, THENCE SOUTH 00 DEGREES 45 MINUTES 58 SECONDS EAST ON THE EAST LINE OF SAID EAST HALF A DISTANCE OF 2,637.38 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 1,747,740 SQUARE FEET (37.365 ACRES), MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS

All interested parties are invited to attend this meeting and be heard with respect to the proposed variance petition and proposed amendment. Those who desire may send written comments to the Village of New Berlin, Attn.: Zoning Board, 301 E Illinois St., New Berlin, IL 62670.

VILLAGE OF NEW BERLIN, ILLINOIS

By: /s/ Marsha Sweet, Zoning Board President



copy

Received 1/8/18 mp

Date 1-5-2018

ZONING BOARD OF APPEALS
VILLAGE OF NEW BERLIN

I (We) MARK W. BERGESCHNEIDER and JASON O. STOCKTON
4970 SMITH RD, PLEASANT PLAINS, IL 62677
of 102 HERITAGE PT, NEW BERLIN IL 62670
(Address)

respectfully request that a determination be made by the Zoning Board of Appeals on the following appeal:

(Circle and complete the applicable appeal)

1. An interpretation of Section _____ of the Zoning Ordinance.
2. An interpretation of a _____ District Boundary of the Zoning Map.
3. A review by the Board of Appeals to interpret whether a _____ shall be permitted in a Commercial District. (Type of Use)
4. A review by the Board of Appeals to interpret and recommend approval or disapproval of the use of a building or premise for an Industrial purpose in an Industrial District.
5. A request to amend (or re-zone) a Zoning District from a _____ District to a _____ District.
6. A request to establish, place or erect a _____ (Type of Use or Variance)
7. A variance to the (area) (height) (coverage) (_____ yard) (_____) provisions of the Zoning Ordinance. (other)

Describe the appeal being requested more specifically. (i.e. Type of use; type and dimensions of structure, dimension of yard variance, etc.).

WE ARE REQUESTING THE FOLLOWING YARD VARIANCE TO ACCOMMODATE

(3) DUPLEX'S ON THE BLOCK LISTED ON THIS APPLICATION. THESE DUPLEX'S

MEASURE 80' IN WIDTH AND 70' IN DEPTH, ATTACHED IS A PLAT MAP WITH
THE PROPOSED VARIANCES OF 10' REAR SETBACK, 8' CENTER SIDE SETBACK,
14' FRONT SETBACK & ~~3'~~^{10'} SIDE STREET SET BACK. THE ACTUAL
STREET IS APPROXIMATELY 14' FROM THE PROPERTY LINE

Variance w/ 35% more lot coverage
MB

Notice

OLIVE

BERLIN

PUBLIC HEARING ZONING BOARD OF APPEALS

The Board of Appeals has scheduled a public hearing at 7 p.m. at the New Berlin, Illinois St. New Berlin, IL 301 E. Illinois St. New Berlin, IL 60156. The subject is a request from Mark W. Bergschneider, owner of the following property:
Duplexes on Lots 113, 114, 115, the Original Town of New Berlin, Illinois. 14' front setback and 3'-6" side setbacks.

The Board of Appeals will meet to consider an application for a change of zoning map of the New Berlin Code of Ordinances with respect to amendments to the zoning map for residential uses and special uses; and uses and mini-warehouses are a residential zone.

The premises are situated at Southern
in a RESIDENTIAL
Lot No. (s) #113, #114, #115, #116
Total Property Dimensions: _____

Does applicant own the property? _____
What is the approximate cost of the property? _____
Present Property Use VACANT

- (Circle One)
- 1. I hereby request that this application be heard at a public hearing of the Zoning Board of Appeals.
 - 2. I hereby request that this application be heard at a public hearing of the Zoning Board of Appeals arranged, due notice given amount of \$ 100.00 per application necessary filing fee.

I further state that if this request is granted, I will comply with the conditions of the zoning map within one year from the date of the hearing.
Date 1-5-2018
Telephone No. (217) 415-1111

*****FOR USE OF ZONING BOARD OF APPEALS*****
Hearing Advertised 2-22-
Date of Hearing 3-15-

Decision of Zoning Board of Appeals: _____
of Petition

(Signature)

(Signature)

CERTIFICATE OF PUBLICATION IN THE NEW BERLIN BEE

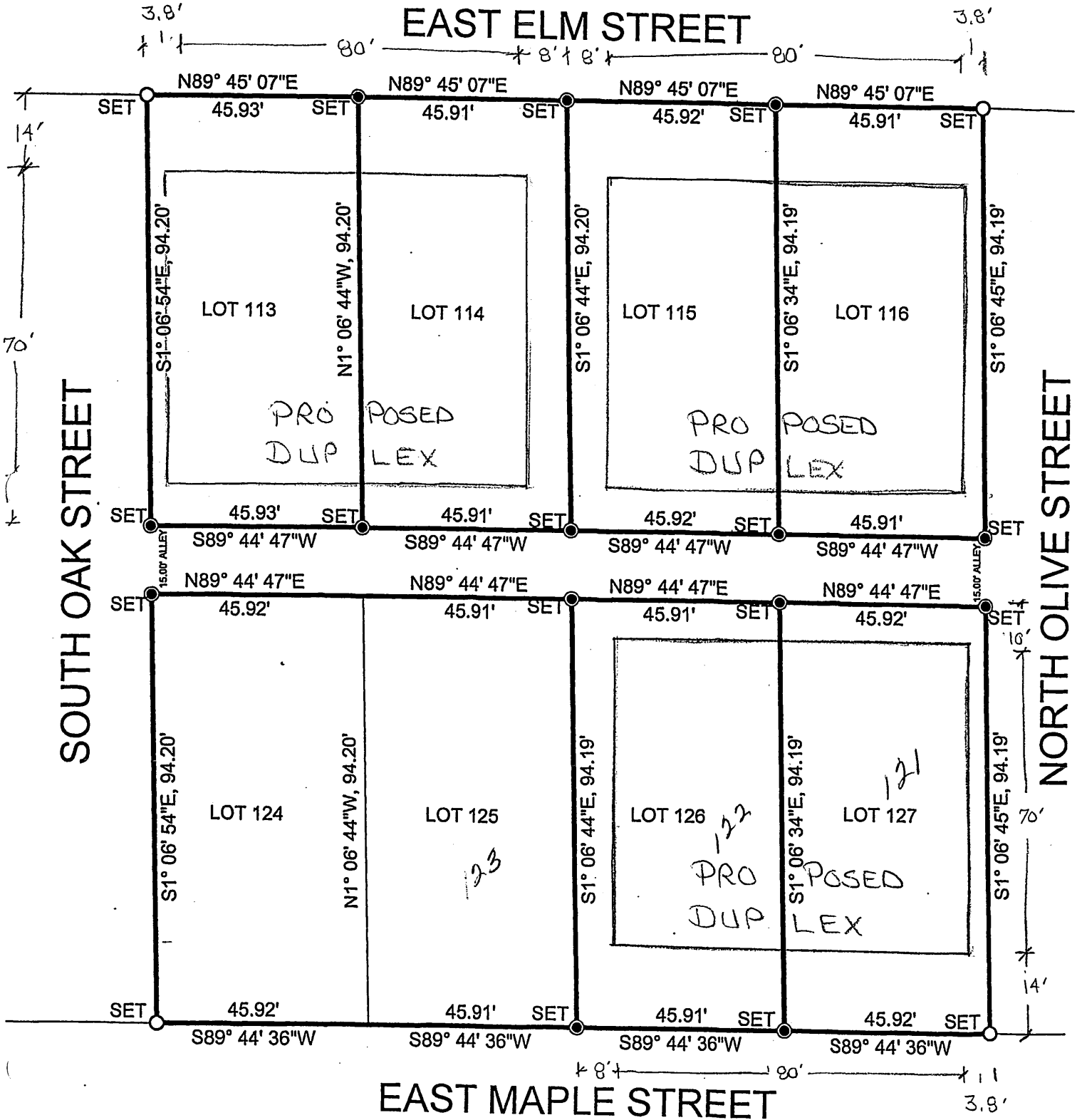
STATE OF ILLINOIS
COUNTY OF SANGAMON,
VILLAGE OF NEW BERLIN
SS

The undersigned, Joseph Michelich, publisher of the NEW BERLIN BEE, a secular newspaper of general circulation in said county, printed and published in the aforesaid Village of New Berlin, county of Sangamon and state of Illinois, does hereby certify that a notice of which the annexed is a true copy has been regularly published in said newspaper one time each week for one successive weeks.

The first publications of said notice was on the 22nd day of February A.D., 2018 and the last publications was on the 22nd day of February A.D., 2018.

PLAT OF SURVEY

LOTS 113-116; 121-124 OF THE ORIGINAL TOWN
OF NEW BERLIN, SANGAMON COUNTY, ILLINOIS.



E. ELMST

94.17	45.84	45.84	45.84	45.84
113				
244-001				
		114		
		244-002		
			115	
			244-003	
				116
				244-004
				94.17

S. GAKST

94.17	45.84	45.84	45.84	45.84
124				
244-005				
		123		
		244-006		
			122	
			244-007	
				121
				244-008
				94.17

60

E. MAPLEST

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